

PATENT

Docket No. UC00-300-2US

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: ANDREW A. FRANK
Serial No.:
Filed:
For: METHOD FOR CONTROLLING THE OPERATING CHARACTERISTICS OF A HYBRID
ELECTRIC VEHICLE
Group:
Examiner:

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22213-1450

INFORMATION DISCLOSURE STATEMENT

List of Sections Forming Part of This Information Disclosure Statement

The following sections are being submitted for this Information Disclosure Statement:

1. ☒ Preliminary Statements
2. ☒ FORM PTO-1449 (Modified)
3. ☒ Copies of Listed Information Items Accompanying This Statement
4. ☒ Concise Explanation of Non-English Language Listed Information Items
5. ☒ Translation(s) of Non-English Language Documents
6. ☒ Identification of Person(s) Making This Information Disclosure Statement

Section 1. Preliminary Statements

Applicants submit herewith patents, publications or other information of which they are aware, which they believe may be material to the examination of this application and in respect of which there may be a duty to disclose in accordance with 37 CFR 1.56.

The filing of this information disclosure statement shall not be construed as a representation that a search has been made (37 CFR 1.56(g)), an admission that the information cited is, or is considered to be, material to patentability or that no other material information exists.

The filing of this information disclosure statement shall not be construed as an admission against interest in any manner. Notice of January 9, 1992, 1135 O.G. 13-25, at 25.

Section 2. PTO Form 1449 (modified)

FORM 1449 IS BEING SUBMITTED HERewith IN 4 PAGE(S).

Section 3. Copies of Listed Information Items Accompanying This Statement

NOTE: 37 CFR 1.98(a)(2) requires that any information disclosure statement filed under § 1.97 shall include: "A legible copy of: (i) Each U.S. and foreign patent; (ii) Each publication or that portion which caused it to be listed; and (iii) All other information or that portion which caused it to be listed, except that no copy of a U.S. patent application need be included ..."

NOTE: The wording in § 1.98(a)(2)(iii) makes it clear that the requirement to submit a copy of each item of information listed in an information disclosure statement does not apply to the citation of a U.S. patent application. Notice of January 9, 1992, 1135 O.G. 13-25, at 14.

Legible copies of **all** items listed accompany this information disclosure statement.

___ Exception(s) to above

___ **Items in prior application from which an earlier filing date is claimed for this application as identified in Section 4.**

___ **Cumulative patents or publications identified in Section 5.**

It is respectfully stipulated, however, that none of these references teach or render obvious, singly or when considered in combination, applicant's claimed invention. This citation does not constitute an admission that the references are relevant or material to the claims nor that a search has been made; the references are cited only as constituting the closest art of which the applicant is aware.

Section 4. Concise Explanation of Non-English Language Listed Information Items

NOTE: "A concise explanation of the relevance, as it is presently understood by the individual designated in § 1.56(c) most knowledgeable about the information of each patent, publication, or other information listed that is not in the English language **shall** be included in any information disclosure statement filed under § 1.97. "The concise explanation may be either separate from the specification or incorporated therein." 37 CFR 1.98(a)(3).

NOTE: "[T]he explanation required is limited to the relevance as understood by the individual designated in § 1.56(c) most knowledgeable about the content of the information at the time the information is submitted to the Office." Notice of January 9, 1992, 1136 O.G. 13-25, at 14.

NOTE: "Where the information listed is not in the English language, but was cited in a search report by a foreign patent office, the requirement for a concise explanation of relevance is satisfied by submitting an English language version of the search report." Notice of January 9, 1992, 1136 O.G. 13-25, at 14.

NOTE: "The concise explanation requirement for non-English language information may be met by submission of an English language version of the search report indicating the degree of relevance found by the foreign office." Notice of January 9, 1992, 1136 O.G. 13-25, at 20.

WARNING: "The requirement in §1.98(a)(3) for a concise explanation of non-English information **would not** be satisfied by a statement that a reference was cited in the prosecution of a parent application." Notice of January 9, 1992, 1136 O.G. 13-25, at 20 (emphasis added).

EUROPEAN PATENT NO. 0 423 536 A1 WAS CITED IN A SEARCH REPORT BY A FOREIGN PATENT OFFICE. AN ENGLISH LANGUAGE VERSION OF THE SEARCH REPORT IS BEING SUBMITTED HEREWITH TO SATISFY THE REQUIREMENT FOR A CONCISE EXPLANATION OF THE RELEVANCE OF THIS PATENT.

Section 5. Translation(s) of Non-English Language Documents

NOTE: "If a written English language translation of a non-English language document, or portion thereof, is within the possession, custody or control of, or is readily available to any individual designated in § 1.56(c), a copy of the translation shall accompany the statement." 37 CFR 1.98(c).

NOTE: "The Office does not intend to require translations unless they have been reduced to writing and are actually translations of what is contained in non-English language information. Applicants should note, however, that most examiners do not have the ability to understand information which is not English and the that Office will not routinely translate information submitted in a non-English language. The examiner will consider the information insofar as it is understood on its face, e.g., drawings, chemical formulas, English-language abstracts, but will not have the information translated unless it appears to be necessary to do so. Applicants are required to aid the examiner by complying with the requirements of a concise explanation in § 1.98(a)(3) for information submitted in a non-English language." Notice of January 9, 1992, 1135 O.G. 13-25, at 21.

 X No English language translations of the foreign language patents, publications or information or parts thereof are readily available, except for those listed above.

 The following foreign language documents submitted are believed to be the equivalent or substantial equivalent of the English language documents identified below, which are also submitted herewith.

 Submitted herewith is an English language translation of the following foreign patents, publications or information or of those portions of those patents, publications or information considered to be material:

Section 6. Identification of Person(s) Making This INFORMATION DISCLOSURE STATEMENT

The person making this statement is the attorney who signs below on the basis of:

 the information supplied by the inventor(s)

 X the information in the attorney's file

Dated:

6/29/03

Reg. No.:

33,201

Tel. No.:

(916) 498-1010



SIGNATURE OF ATTORNEY

John P. O'Banion
O'BANION & RITCHEY LLP
400 Capitol Mall, Suite 1550
Sacramento, CA 95814

INFORMATION DISCLOSURE CITATION <i>(Use several sheets if necessary)</i>	ATTY DOCKET NO. UC00-300-2US	SERIAL NO.
	ANDREW A. FRANK	
	FILING	GROUP

U.S. PATENT DOCUMENTS

*EXAMINER INITIAL	DOCUMENT NUMBER	DATE	NAME	CLASS	SUBCLASS	FILING DATE IF APPROPRIATE
	4,407,132	10/1983	Kawakatsu et al.			
	4,445,329	05/1984	Drisko			
	4,470,476	09/1984	Hunt			
	4,947,953	08/1990	Morimoto			
	5,002,020	03/1991	Kos			
	5,327,987	07/1994	Abdelmalek			
	5,345,154	09/1994	King			
	5,495,906	03/1996	Furutani			
	5,722,911	03/1998	Ibaraki et al.			
	5,786,640	07/1998	Sakai et al.			
	5,788,004	08/1998	Friedmann et al.			

FOREIGN PATENT DOCUMENTS

DOCUMENT NUMBER	DATE	COUNTRY	CLASS	SUBCLASS	TRANSLATION	
					YES	NO
WO 00/25417	05/2000	WIPO				
0 423 536 A1	10/1989	EP				✓

OTHER DOCUMENTS *(Including Author, Title, Date, Pertinent Pages, Etc.)*

			Yang, D. et al.; "ON THE USE OF ENGINE MODULATION FOR DECELERATION CONTROL OF CONTINUOUSLY VARIABLE TRANSMISSION VEHICLES," Society of Automotive Engineers, Inc., Technical Paper 850490, pp. 2.636 to 2.653, (1986).
			Yang, D. et al.; "CONTROL AND RESPONSE OF CONTINUOUSLY VARIABLE TRANSMISSION (CVT) VEHICLES," University of Wisconsin, pp. 1 thru 7, (undated).

EXAMINER	DATE CONSIDERED
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*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

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*EXAMINER INITIAL	DOCUMENT NUMBER	DATE	NAME	CLASS	SUBCLASS	FILING DATE IF APPROPRIATE
	5,789,882	08/1998	Ibaraki et al.			
	5,806,617	09/1998	Yamaguchi			
	5,789,882	08/1998	Ibaraki et al.			
	5,839,533	11/1998	Mikami et al.			
	5,841,201	11/1998	Tabata et al.			
	5,842,534	12/1998	Frank			
	5,846,155	12/1998	Taniguchi et al.			
	5,875,864	03/1999	Yano et al.			
	5,899,286	05/1999	Yamaguchi			
	5,910,722	06/1999	Lyons et al.			
	5,929,595	07/1999	Lyons et al.			

FOREIGN PATENT DOCUMENTS

	DOCUMENT NUMBER	DATE	COUNTRY	CLASS	SUBCLASS	TRANSLATION	
						YES	NO

OTHER DOCUMENTS (Including Author, Title, Date, Pertinent Pages, Etc.)

		Yang, D. et al.; "AN OPTIMIZATION TECHNIQUE FOR THE DESIGN OF A CONTINUOUSLY VARIABLE TRANSMISSION CONTROL SYSTEM FOR AUTOMOBILES," International Journal of Vehicle Design, Vol. 6, No. 1, pp. 41 thru 54, January 1985. ✓
		Chan, C. et al.; "SYSTEM DESIGN AND CONTROL CONSIDERATIONS OF AUTOMOTIVE CONTINUOUSLY VARIABLE TRANSMISSIONS," Society of Automotive Engineers, Inc. Technical Paper 840048, pp. 1 thru 10, February 1984. ✓

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	5,941,328	08/1999	Lyons et al.			
	6,054,844	04/2000	Frank			
	6,090,007	07/2000	Nakajima et al.			
	6,098,733	08/2000	Ibaraki et al.			
	6,110,066	08/2000	Nedungadi et al.			
	6,116,363	09/2000	Frank			
	6,344,732	02/2002	Suzuki			

FOREIGN PATENT DOCUMENTS

	DOCUMENT NUMBER	DATE	COUNTRY	CLASS	SUBCLASS	TRANSLATION	
						YES	NO

OTHER DOCUMENTS (Including Author, Title, Date, Pertinent Pages, Etc.)

		✓	Brace, C.J. et al.; "OPERATING POINT OPTIMISOR FOR INTEGRATED DIESEL/CVT POWERTRAIN," Application of Powertrain and Fuel Technologies to Meet Emissions Standards for the 21st Century, Seminar Code C517, pp. 1 thru 8, 24-26 June 1996.
		✓	Brace, C.J. et al.; "INTEGRATED PASSENGER CAR DIESEL CVT POWERTRAIN CONTROL FOR ECONOMY AND LOW EMISSIONS," IMechE International Seminar S540, Advanced Vehicle Transmissions and Powertrain Management, pp. 1 thru 8, 25-26 September 1997.

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FOREIGN PATENT DOCUMENTS

		DOCUMENT NUMBER	DATE	COUNTRY	CLASS	SUBCLASS	TRANSLATION	
							YES	NO

OTHER DOCUMENTS *(Including Author, Title, Date, Pertinent Pages, Etc.)*

			International Search Report, PCT International Patent Application No. PCT/US02/00220, pp. 1 thru 5, 14 June 2002. ✓
			International Search Report, PCT International Patent Application No. PCT/US99/09880, pp. 1 thru 3, 02 August 1999. ✓

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